

REMARKS

The applicants thank the Examiner for the thorough examination of the application. A substitute Abstract and amended drawing figures are provided. No new matter is believed to be added to the application by this amendment.

Entry of Reply

Entry of this Reply under 37 C.F.R. 1.116 is respectfully requested because it places the application into allowance or reduces issues for appeal. Also, this Reply complies with requirements of form (e.g., formula subscripts) set forth by the Examiner.

Status of the Claims

Claims 1-15 are pending in the application. The presented claim amendments recite the embodiments without referring to "(A)," "(B-1)," "(B-2)," or "(B-3)." The formulas have also been amended to subscript n. Also, the definition of X in claim 3 has been removed because the claim does not further narrow the definition of X of claim 1. All of the above-mentioned amendments to the claims are non-narrowing claim amendments and were only made to clarify the invention. The claims have also been amended to remove the limitation that plural X groups "may be bonded to each other to form a ring."

Objection to the Abstract (Paragraph 3 of the Office Action)

The Examiner objects to the Abstract as being narrower as the claimed invention. A substitute Abstract is provided that is commensurate in scope to the claimed invention.

Objection to the Drawings (Paragraph 4 of the Office Action)

The Examiner objects to the drawings as containing a variable that can be misconstrued as a metal and for not subscripting "n." The examiner's comments have been considered. Corrected drawings are being submitted concurrently with this paper.

Rejection Under 35 U.S.C. §112, Second Paragraph (Paragraphs 5-6 of the Office Action)

Claims 1-14 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicants traverse.

The claims of the invention have been amended to better set forth the invention, which comprises a multi-component catalyst, and one of the components has the formula (I) or one of its variants. Extraneous lettering has been removed from claim 1. Also, the definition of X has been removed from claim 3 as being repetitive, and X in claim 7 is defined by that claim's dependence on claim 1. Also, claim 8 has been amended to depend on claim 7. All of these amendments are non-narrowing in nature and do not alter claim scope.

As a result, the claims are clear, definite and have full antecedent basis. This rejection is accordingly overcome and withdrawal thereof is respectfully requested.

Rejection Under 35 U.S.C. 103(a) Over Schulz in View of Jacobsen (Paragraphs 7-9 of the Office Action)

Claims 1-14 remain rejected under 35 U.S.C. 103(a) as being obvious over Schulz (GB 1390530) in view of Jacobsen (WO 96/28402). Applicants traverse.

Distinctions of the invention over Schulz and Jacobsen have been placed before the Examiner. Schulz pertains to organoaluminum catalysts where column 2, lines 4-6 generally describes the organic part as "alkyl, cycloalkyl, alkenyl, cycloalkenyl, aryl, aralkyl or aralkenyl." Besides several examples given in column 2 of Schulz, the general description of the organic part of the catalyst is vague. Schulz is also silent on the compound of the transition metal of groups 3-7 and 11. The Examiner turns to Jacobsen for teachings regarding metal compounds.

In his Response to Arguments at page 4, lines 3-8, the Examiner addresses the failures of Schulz:

Although these are all bis-ligand compounds wherein the ligand is a chelate having nitrogen and oxygen atoms bound to the transition metal, the present claims are broad enough with their language of "plural X groups . . . may be bonded to each other to form a ring" to read on these compounds, particularly since n need only make the transition metal compound neutral. Hence the only difference between the present claims and the prior art appears to be in the identity of the metal.

Although applicants believe that the claims are patentable when containing the limitation "may be bonded to each other to form a ring," this limitation has been removed from the claims in order to expedite prosecution on the merits.

Thus the teachings of Jacobsen (when combined with Schulz) would not motivate a person having ordinary skill in the art to produce the claimed invention sufficient to allege *prima facie* obviousness. This rejection is accordingly overcome and withdrawal thereof is respectfully requested.

Information Disclosure Statements

The Applicants thank the Examiner for considering the Information Disclosure Statements filed August 31, 2001 and November 3, 2003 and for making the initialed PTO-1449 forms of record in the application in the Office Action mailed February 9, 2004.

Prior Art Cited by the Examiner

The prior art cited but not utilized by the Examiner indicates the status of the conventional art that the invention supercedes. Additional remarks are accordingly not necessary.

Foreign Priority

The Examiner has acknowledged the claim for foreign priority.


Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Ph.D. (Reg. No. 42,593) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s): Substitute Abstract
 Two sheets of corrected drawings